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March 17, 2011

**VIA ECFS AND EMAIL**

Sharon E. Gillett  
Chief, Wireline Competition Bureau  
Federal Communications Commission  
445 12th St., SW  
Washington, DC 20554

*Re: Kristin Brooks Hope Center Response to March 10, 2011, Letter from Wireline  
Competition Bureau in WC Docket 07-271, CC Docket 95-155*

Dear Ms. Gillett,

The Kristin Brooks Hope Center ("KBHC"), by and through its attorneys, hereby responds to the Wireline Competition Bureau's ("the Bureau") March 10, 2011 letter regarding the toll-free number 1-800-SUICIDA ("the March 10 Letter").

At the outset, while KBHC appreciates that the Bureau notified KBHC promptly of the error affecting 1-800-SUICIDA, KBHC is disturbed and distressed that the Substance Abuse and Mental Health Services Administration ("SAMHSA") of the Department of Health and Human Services deliberately chose *not* to notify KBHC of any issues involving the number. According to a sworn declaration submitted by SAMHSA in this docket, SAMHSA knew of an issue affecting the number since January 24, 2011,<sup>1</sup> yet it knowingly and apparently intentionally withheld this information from everyone for weeks, presumably to gain an advantage in SAMHSA's petition for permanent reassignment of three other numbers operated by KBHC for a decade.

In her declaration, Ms. Zeller, a SAMHSA employee, states that she was "alerted by an individual in the suicide prevention community" on January 24, 2011 that the 1-800-

<sup>1</sup> Declaration of Eileen Zeller, attached to Reply Comments of the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration, WC Docket No. 07-271, CC Docket No. 95-155 (filed Mar. 7, 2011).

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SUICIDA number “was no longer in service.”<sup>2</sup> Ms. Zeller states that she tested the number on that date, and on several other dates over the next few weeks. Despite stating that “part of [her] job” is to “review suicide prevention resources available to the public,” Ms. Zeller took no action whatsoever to notify KBHC of the situation nor any other action to restore this resource to the public.<sup>3</sup> Instead, Ms. Zeller and SAMHSA apparently decided to sit on this information, despite SAMHSA’s professed sole interest in “maintaining public access to a life-saving service,”<sup>4</sup> for weeks in order to gain an advantage in this proceeding. Then, when it decided to take action, SAMHSA disclosed the information in an *ex parte* meeting with the Federal Communications Commission (“Commission” or “FCC”), without inviting KBHC or disclosing in any way the information to KBHC. SAMHSA’s reckless delay in taking action is reprehensible.

By contrast, when the Commission notified KBHC of the error affecting 1-800-SUICIDA, KBHC promptly restored service within hours of receiving notification.<sup>5</sup> KBHC wishes to stress that the number in question is *not* one of the three numbers at issue in SAMHSA’s Petition seeking permanent reassignment, and that the operation of this number is wholly unrelated to the “extraordinary emergency circumstances” that SAMHSA initially contended justified action relating to the three toll-free numbers that are in issue.<sup>6</sup>

Moreover, it is important for the Commission to be mindful of its limited role in number assignment. For good reasons, the Commission long ago established a first-come, first-

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<sup>2</sup> Zeller Decl. ¶ 3.

<sup>3</sup> Zeller Decl. ¶ 8. Ms. Zeller admits that she was aware the KBHC managed the hotline (see ¶ 9), yet she (and SAMHSA) did nothing to ensure the prompt restoration of the number.

<sup>4</sup> SAMHSA Reply Comments at 11.

<sup>5</sup> KBHC’s actions here are consistent with its previous actions and priorities when a problem occurred with 1-800-SUICIDE after the number was reassigned to SAMHSA. See Attached March 17, 2011 Declaration of Reese Butler at ¶ 15 (“Butler Decl.”). At one point after the *Temporary Reassignment Order* and during the time that SAMHSA has been operating 1-800-SUICIDE, KBHC was contacted by someone with the Oprah Winfrey Show and told that the number 1-800-SUICIDE was not working in the Chicago area. KBHC immediately tried to contact the appropriate personnel at SAMHSA but was unable to do so. Because KBHC believed this was a problem that needed to be addressed immediately, when KBHC could not reach the relevant SAMHSA personnel, KBHC contacted the carrier for 1-800-SUICIDE directly and explained what was going on so the problem could be corrected without delay, which it was.

<sup>6</sup> However, if the Commission were to unlawfully accept SAMHSA’s new “better services” rationale, KBHC worries that the Commission will soon be flooded with scores of requests for forced reassignment based on the new theory, including possibly, additional SAMHSA requests for reassignment of any of the dozen hotlines KBHC operates and any other hotline operated by a private entity.

served policy for the assignment of toll free numbers in order to ensure a “fair,” “efficient” and “orderly” process for number assignment.<sup>7</sup> Commissioner McDowell, in his dissent to the now-remanded *Reassignment Order*, cautioned that the Commission is not in the business of picking winners and losers and “certainly should not get in the habit of analyzing entities’ financial health in order to determine who should control a toll free number.”<sup>8</sup> The Bureau’s questions in the March 10 letter go beyond even the financial health issues that troubled Commissioner McDowell, and instead delve into questions of operation and management of toll free numbers. While KBHC provides the information requested, we respectfully submit that the issues raised in the letter are irrelevant to any decision the Commission must make in this docket.

### Summary

Prior to the Commission’s 2007 *Temporary Reassignment Order*,<sup>9</sup> KBHC operated numerous suicide prevention hotlines, including the number 1-877-SUICIDA. Butler Decl. at ¶ 4. When KBHC lost its Spanish language hotline (1-877-SUICIDA) as a result of the Order, KBHC looked for a replacement for its Spanish language outreach initiative. *Id.* KBHC identified the vanity number 1-800-SUICIDA as a potential alternative. *Id.* This number used the same vanity “SUICIDA” dialing pattern, but with the 800 prefix instead of the 877 prefix. Unfortunately, the number was not available from the SMS/800 Database, having already been assigned to another entity. *Id.* KBHC approached the subscriber of record for the number to see if the number could be used to operate a replacement Spanish language suicide prevention hotline. *Id.* The subscriber of the number would not release or agree to a voluntary and FCC-approved transfer of ownership of the number, but he agreed to route calls to KBHC so long as KBHC operated it as a Spanish language suicide prevention hotline. *Id.* The subscriber’s carrier was then given instructions to route calls made to 1-800-SUICIDA to Micktel Corporation (“Micktel”) (the carrier handling KBHC’s other suicide prevention hotlines) which would then route the calls to the appropriate Spanish speaking crisis center. *Id.*

This arrangement worked acceptably until very recently. The problem that the Bureau identified in the March 4 Letter resulted from circumstances unique to this number and could not have occurred with any of KBHC’s other numbers. This is because KBHC is not the subscriber of record for the 1-800-SUICIDA number. *Id.* at ¶ 3. Instead, the number is only

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<sup>7</sup> See 47 C.F.R. § 52.111; *In the Matter of Toll Free Service Access Codes*, Fourth Report and Order and Memorandum Opinion and Order, 13 FCC Rcd 9058 (1998), at ¶¶ 5, 12, 14 (“888 Allocation Decision”).

<sup>8</sup> *U.S. Department of Health & Human Services Substance Abuse and Mental Health Services Administration’s Petition for the Permanent Reassignment of Three Toll-Free Suicide Prevention Numbers*, Memorandum Opinion and Order and Order on Review, 24 FCC Rcd 13022, 13039 (2009) (McDowell, dissenting).

<sup>9</sup> *In the Matter of Toll-Free Service Access Codes*, Order dated January 22, 2007, CC Docket No. 95-155, DA Docket No. 07-130.

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operated by KBHC pursuant to an agreement with the subscriber of record.<sup>10</sup> *Id.* at ¶ 4. As a result, KBHC does not control the routing of the number and KBHC is limited in its ability to obtain information (including notifications) from the routing carriers because it is not the subscriber of record.

Upon receiving the March 4 Letter, KBHC promptly took action to restore the number to service as previously agreed by the subscriber of record. *Id.* at ¶ 6. In addition, KBHC has made inquiries to both the subscriber of the number and the carrier Qwest to try to determine what occurred and who made the error that resulted in calls to this number not being routed correctly. *Id.* at ¶¶ 6-8. KBHC has still not received answers to its inquiries from Qwest and, thus, cannot be certain what occurred.<sup>11</sup> *Id.* at ¶ 8. What KBHC does know is that no request from KBHC was made to transfer the number, no authorization was given by KBHC to transfer the number, the account was in good standing, and no one (including the RespOrg, the number subscriber, the carrier, and SAMHSA) notified KBHC that calls to the number were no longer being routed to a Spanish speaking crisis center. *Id.* at ¶ 7. Furthermore the subscriber of record represents that he does not believe that he authorized transfer or disconnection of the number and that, if he did, it was unintentional and likely done in error in connection with changes made to other numbers for which he is the subscriber. *Id.* Without, however, information from the carrier as to why the number was transferred, disconnected, suspended or re-routed, KBHC cannot ascertain exactly what occurred and who is responsible. *Id.* at ¶ 8.

While KBHC is still awaiting information as to who made the error that resulted in improper routing of the number, it has taken steps to ensure that this type of error cannot occur again. *Id.* at ¶¶ 12-14. The subscriber of the number has, at KBHC's request, designated Micktel as the RespOrg for the number and designated KBHC as the billing agent for the number. *Id.* at ¶ 12. As a result, KBHC's RespOrg for the remaining numbers (and the RespOrg KBHC will designate upon return of the three toll free numbers at issue in the SAMHSA Petition) now manages the routing of calls to the 1-800-SUICIDA replacement hotline. *Id.* Further, as the billing agent, KBHC will be notified immediately by the RespOrg of any changes affecting the number. *Id.* Thus, in the unlikely event that a future disruption occurs, KBHC will be notified by the RespOrg directly. *Id.* Further, KBHC is establishing an automated program to verify proper assignment of the numbers going-forward. *Id.* at ¶ 13. That program will dial every KBHC hotline number every hour to verify that the line is operating properly. *Id.*

In answer to the Bureau's specific questions in its March 10 Letter, many of which have been addressed above, KBHC states the following:

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<sup>10</sup> This number is the only one of the numbers operated by KBHC for which it is not the subscriber of record. *See* Butler Decl. at ¶ 3.

<sup>11</sup> In addition to not knowing definitely what caused the change in the number, KBHC does not know if the number was in suspended, disconnected, working (without the correct routing instructions) or assigned status.

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1. ***When, and why, did 1-800-SUICIDA become non-operational as a suicide prevention hotline?***

Because KBHC did not receive notice from the RespOrg, number subscriber or carrier (or SAMHSA) when calls to the number were no longer being routed to a crisis center, KBHC does not know with certainty the answer to this question. *Id.* at ¶¶ 5, 7, 8. KBHC believes that the number was incorrectly or accidentally disconnected when the subscriber of record designated a new RespOrg for some of its other numbers. *Id.* at ¶ 7. The subscriber of record has represented that he did not intend to disconnect or transfer 1-800-SUICIDA at that time, but that may have occurred either through error on the subscriber's part or as a result of an error by the RespOrg or carrier. *Id.*

2. ***When, and how, did KBHC first discover that 1-800-SUICIDA was non-operational?***

KBHC first learned of an error affecting its number when notified by the FCC on March 4, and it restored the number within hours of receiving this notice. *Id.* at ¶¶ 6, 7. As explained above, because KBHC is not the subscriber of record for this replacement number and no one notified KBHC that the calls were not being routed properly until the Bureau's March 4 Letter, KBHC was not aware the number was non-operational until March 4. *Id.*

KBHC is particularly distressed that SAMHSA apparently intentionally failed to notify KBHC of the situation. If any threat to the public health occurred in connection with 1-800-SUICIDA, it occurred because SAMHSA did not notify anyone that the number was not operating on January 24 and, instead, apparently shared its information with no one until **five weeks** later when it informed, not KBHC, whom it knew was the operator of the number, but the FCC. KBHC fervently hopes that no one was deprived of crisis counseling as a result of what on its face appears to be SAMHSA's political maneuvering at the expense of the provision of critical mental health services.

3. ***When, and how, did KBHC restore service to the number?***

KBHC restored service to the number on March 4, 2011, within hours of receiving the Bureau's March 4 Letter. *Id.* at ¶ 6. KBHC restored service by contacting the number subscriber who in turn contacted the carrier and the RespOrg and corrected the error. *Id.* Upon information and belief, the owner notified the RespOrg that any changes to the number and its routing had been made in error and told the RespOrg to restore the number immediately. *Id.*

4. ***Who is the subscriber of record for 1-800-SUICIDA?***

The subscriber of record is 800 Answer, Inc. *Id.* at ¶ 4.

5. ***Which carrier and which toll free Responsible Organization service 1-800-SUICIDA?***

The Responsible Organization from 2007, when KBHC began operating the number, until sometime in 2010 was the Business Edge Group Inc. *Id.* at ¶ 9. Sometime in 2010, Zone Telecom, Inc. became the Responsible Organization. *Id.* Beginning on March 4, 2011, the Responsible Organization has been Micktel. *Id.* The carrier is Qwest. *Id.*

6. ***Does KBHC operate 1-800-SUICIDA as a regional or a national hotline.***

KBHC operates the number as a national hotline. *Id.* at ¶ 4.

7. ***Did KBHC have an existing process for monitoring its suicide prevention hotline numbers? If so, explain how that process worked, or why it failed, in this instance.***

For those numbers which KBHC controls as subscriber of record, any problems with or interruptions to service will be reported directly to KBHC by the RespOrg and carrier Micktel. *Id.* at ¶ 10. There have been no outages or disruptions in service of those numbers controlled by KBHC as subscriber of record since it began to use Micktel in 2006 as its carrier and RespOrg. *Id.* These numbers could not be transferred or disconnected without KBHC's knowledge. *Id.* Thus, its monitoring of the numbers where KBHC is the subscriber of record effectively prevents the type of error that occurred in connection with 1-800-SUICIDA.

For the sole number that KBHC is not the subscriber of record (1-800-SUICIDA), KBHC did not separately monitor this number. *Id.* at ¶ 11. KBHC had no reason to believe that the number would be suspended, transferred or disconnected in violation of its usage agreement. *Id.* As already described, because KBHC was not the subscriber of record for the number, changes to the account prior to March 4 could occur without notification to KBHC.

8. ***Does KBHC now have a process to ensure that its suicide prevention hotline numbers remain operational at all times?***

KBHC now has new procedures in place that will ensure that all of its numbers remain operational. *Id.* at ¶¶ 12-14. Micktel is now the RespOrg for 1-800-SUICIDA and KBHC has been designated as the billing agent for the number. *Id.* at ¶ 12. As a result, in the unlikely event that any suspension, transfer or disconnection occurs, KBHC will be notified immediately by the RespOrg. *Id.* Because KBHC is the subscriber of record for all of its other numbers, it will continue to be notified of any outages or disconnections in connection with those numbers as soon as any such outages or disconnections occur. *Id.*

In addition, KBHC and Micktel are in the process of instituting a computer program that will check the lines every hour to ensure that they are active. *Id.* at ¶ 13. Should a hotline become inactive for any reason, KBHC will be immediately notified. *Id.* Specifically, Micktel is setting up an automated dialer that will call all of KBHC's hotline toll free numbers every hour

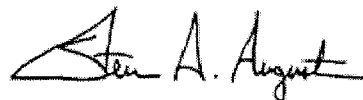
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and play this message: "This is a service validation call, please press 1 to confirm this call was answered." This message will loop until the key press was detected. The time it takes to get this key press is logged. If no key press is detected, an alert email is sent to our 24 hour Emergency Response Center prompting an investigation. From this, KBHC will be able to verify that calls are being correctly routed, and also capture an Average Time to answer statistic which is helpful in monitoring the response speed of the Hopeline Network call centers as well. Up until the time that the computer program is in place, a supervisor from KBHC will be calling 1-800-SUICIDA manually every day to ensure that it is operating and numbers are being routed to the appropriate crisis center. *Id.* Thus, this is a situation that cannot recur in connection with the number.

Finally, in the future, KBHC's monthly bills will be broken down by the number called. *Id.* at ¶ 14. As a result, KBHC will become aware if one of the numbers stops receiving calls and will know to investigate it in the unlikely event both that that happens and that KBHC has not already become aware through one of the multiple other procedures implemented. *Id.*

Thus, as described above KBHC has fully addressed the matter and the Bureau should have no concerns that this issue can recur or with KBHC's administration of the number. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven A. Augustino". The signature is stylized with a large, sweeping initial 'S' and a cursive 'Augustino'.

Steven A. Augustino

cc: Heather Hendrickson  
Michelle Sclater  
Ann Stevens